

REMARKS

Claims 1-14 were previously canceled without prejudice. Claims 15 and 24 have been amended. Applicants' contend that support for such amendments can be found at pages 14 and 18 of the specification. The Applicants expressly do not concede that the rejection of Claims 1-14 was proper, and the Applicants may elect to pursue these claims in a continuing application.

Claims 15-25 are pending.

Rejection Statutory Double Patenting Rejection Under 35 U.S.C. § 101

Claims 15-25 are rejected under 35 U.S.C. § 101 as claiming the same invention as that of Claims 1-3, 8, 9, 11-13, 16 and 17 of USP 6,649,222. Claims 1-3, 8, 9, 11-13, 16 and 17 of USP 6,649,222 claim a method, Claims 15-25 of the current application claim a treated substrate. A substrate is not a method thus there is no overlap between Claims 15-25 of the present application and Claims 1-3, 8, 9, 11-13, 16 and 17 of USP 6,649,222. Thus, the statutory double patenting rejection should be withdrawn.

Rejection Under 35 U.S.C. § 103(a)

Claims 15-17 and 19-25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over USP 4,632,842 and 18 is rejected under 35 U.S.C. § 103(a) as being unpatentable over USP 4,632,842 further in view of USP 5,627,079.

According to MPEP § 2143, the Examiner must meet three basic criteria to establish a prima facie case of obviousness.

- First, there must be some suggestion or motivation in the prior art to modify the reference or to combine reference teachings.
- Second, there must be a reasonable expectation of success in obtaining the claimed invention based upon the references relied upon by the Examiner.
- Third, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

In order to be used to support a prima facia case, the any teaching or suggestion must be found in the cited art, not in an applicant's disclosure.

According to MPEP § 2142, the initial burden of supporting a *prima facia* case is on the examiner. To support the conclusion that the claimed invention is directed to obvious subject matter, either the reference must expressly or impliedly suggest the claimed invention, or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the reference.

Applicants' claims either contain are where amended to directly or indirectly contain a coating thickness limitation. Applicants assert that the cited art does not address, or much less even provide a teaching, suggestion or motivation concerning coating thickness. Thus, Applicants assert that the present rejection of Claims 15-25 should be withdrawn and such claims allowed.

Respectfully submitted,
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